

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

FEB 13 2018

JOHNNY L. VENABLE, III,
Plaintiff,

Civil Action No. 7:17-cv-00495

JULIA C. DUDLEY, CLERK
BY: *Julia C. Dudley*
DEPUTY CLERK

v.

BRAD NUNN, et al,
Defendant(s).

MEMORANDUM OPINION

By: Michael F. Urbanski
Chief United States District Judge

Johnny L. Venable, III, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By its Order entered October 30, 2017, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, and plaintiff has not contacted the court since December 29, 2017. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's January 12, 2018, Order. Accordingly, I dismiss the action without prejudice and deny all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 13 *✓* day of February, 2018.

13 Michael F. Urbanski

Chief United States District Judge